

Message Text

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ACTION EA-10

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FM AMEMBASSY RANGOON

TO SECSTATE WASHDC 4054

LIMITED OFFICIAL USE RANGOON 2551

E.O. 11652: N/A

TAGS: PINT, BM, SHUM

SUBJ: APPEALS OF COUP PLOT DEFENDENTS REJECTED

REF: RANGOON 0114

BEGIN SUMMARY: ON AUGUST 20 THE CENTRAL COURT UPHELD THE VERDICT AND SENTENCE HANDED DOWN AGAINST THE DEFENDANTS INVOLVED IN LAST YEAR'S COUP PLOT. THERE HAS BEEN NO PUBLIC PROTEST AGAINST THIS VERDICT. THE DEFENDANTS' LAST RECOURSE IS TO APPEAL TO PRESIDENT NE WIN FOR EXECUTIVE CLEMENCY. ALTHOUGH POPULAR OPINION HOLDS THAT THE DEATH SENTENCE AGAINST THE MAIN INSTIGATOR WILL NOT BE CARRIED OUT, WE HESITATE TO SECOND GUESS THE WHIMS OF THE PRESIDENT IN THIS MATTER. END SUMMARY.

1. ON AUGUST 20 THE CENTRAL COURT DISMISSED THE APPEAL OF THE SIX COUP PLOT DEFENDANTS AGAINST THE CONVICTIONS AND SENTENCES HANDED DOWN LAST JANUARY BY THE RANGOON DIVISION COURT. THE COURT, IN REJECTING THE APPEALS, SAID IT WAS CLEAR THAT THE APPELLANTS WERE GUILTY AS CHARGED, AND THE CRIME WAS CAPABLE OF UPSETTING THE LIVES OF WORKING PEOPLE AND CAUSING BLOODSHED. HENCE, THE SENTENCES OF THE ORIGINAL COURT SHOULD NOT BE LIGHTENED.

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2. BRIEFLY, THE SENTENCES UPHELD WERE:

CAPTAIN OHN KYAW MYINT - DEATH BY HANGING

CAPTAIN WIN THEIN - LIFE IMPRISONMENT

MAJOR SEIN MYINT - FIVE YEARS IMPRISONMENT

CAPTAIN BA CHIT - FIVE YEARS IMPRISONMENT

EX-GENERAL TIN OO - SEVEN YEARS IMPRISONMENT

3. THE REJECTION OF THE APPEALS HAS NOT CAUSED ANY OVERT PUBLIC REACTION. APPARENTLY THE GUB DID NOT ANTICIPATE ANY ADVERSE REACTION AS SECURITY IN RANGOON WAS NOT OPENLY TIGHTENED FOLLOWING THE COURT'S VERDICT. MOST OBSERVERS STILL BELIEVE THE DEATH SENTENCE WILL NOT BE CARRIED OUT.

4. HOWEVER, THIS APPEAL EXHAUSTS THE DEFENDANTS' RECOURSE TO COURT ACTION IN BURMA. THE FINAL APPEAL MUST NOW BE MADE DIRECTLY TO PRESIDENT NE WIN FOR EXECUTIVE CLEMENCY. LAWYERS FOR THE DEFENDANTS HAVE NOT YET ANNOUNCED WHETHER THEY WILL CARRY THE APPEAL TO THE PRESIDENT, BUT WE ASSUME THEY WILL. NE WIN MAY HAVE ALREADY DECIDED ON WHAT ACTION HE WILL TAKE. ON THE OTHER HAND, AS WITH MANY OTHER IMPORTANT DECISIONS IN BURMA, THE FINAL VERDICT MAY HANG

ON THE PRESIDENT'S WHIM OR MOOD ON THE DAY HE IS CALLED UPON TO CONSIDER THE APPEAL.
BARTLEY

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Message Attributes

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